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AF IFW

Docket No.: C2432.0037/P001
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Lars Wiklund et al.

Application No.: 09/773,394

Confirmation No.: 5538

Filed: January 31, 2001

Art Unit: 1617

For: PRESERVATION OF BODILY PROTEIN

Examiner: M. Bahar

REQUEST TO REMAIL EXAMINER'S ANSWER

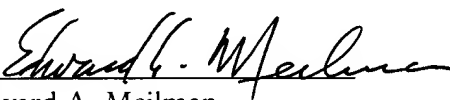
MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

It is respectfully requested that the Examiner's Answer apparently mailed on July 14, 2004, be re-mailed and date for Reply based on the re-mailing date. The reason for this request is that the copy received by the undersigned included the attached page. As a result, pages 7 and 8 of the Examiner's answer cannot be comprehended.

Dated: July 28, 2004

Respectfully submitted,

By 

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1 to a single composition. However, this
patentable feature. Indeed, it is well
does not become patentable
inferior to some other product for the
(CCPA 1971). See also In re Gurley, 27
94)
and 20-21 are patentable distinct from claim 1
employment of salts of known actives
more obvious. Optimization of amounts or
two compositions comprising the same
more obvious, absent evidence to the contrary."
eter, e.g., effective amount of actives,
considered within the skill of the artisan. See,
Appellants provide no evidence that the
21 would lead to any unexpected benefit.
fall together with claim 1.
ns should be sustained.

Application/Control Number: 09/773,394
Art Unit: 1617

Appellants aver unexpected benefits resi-
forth evidence substantiating this belief. Evidenc
convincing" In re Lohr, 137 USPQ 548 (CCPA
commensurate with the scope of the subject mat
1972). Note that attorney's arguments do not cor

Appellants then state that the Vinnar pat
in its composition and method.

Note that Vinnar is a secondary referenc
Veech. Moreover, Vinnar teaches that a compos
ammonium can be employed in a parenteral nut
Therefore the skilled artisan in possession of th
conclude that alpha ketoglutarate alone as well
be useful in treating post-traumatic patients sinc
ketoglutarate and Veech teaches a composition
ammonium.

In response to appellant's arguments ag
nonobviousness by attacking references indivi
combinations of references. See In re Keller, 6
Merck & Co., 800 F.2d 1091, 231 USPQ 375 (

Appellants further argue "its seems mo
want all of the components in a single compos
be administered. Separating the components in